### IHRL DA

#### Trump lowered our international legitimacy but there’s still hope.

Gardels 2/10 Nathan (Editor-in-chief, The WorldPost) “Weekend Roundup: Disarming America’s Soft Power” Huffington Post February 10th 2017 <http://www.huffingtonpost.com/entry/weekend-roundup-156_us_589ddeabe4b03df370d5a8a7> JW

One of the most consequential victims of America’s radical change of course is its unique status as a beacon for a certain set of values in the world through its “soft power” appeal as a diverse nation of immigrants that has managed to live together in liberty under the rule of law. That image of America has already been fairly dashed by the package of policies and rhetoric during the first three weeks of Donald Trump’s presidency. The rest of the world is warily watching the continuing assault on what the president calls the “dishonest media,” a smear chillingly close to the Nazi-era term “Lügenpresse”, or “lying press.” Many beyond U.S. borders were shocked by the blanket ban on visas from several majority-Muslim countries, which is already being contested on the streets and in the U.S. courts. Former security officials see it as a gift to terrorist recruiters. Sara Afzal surveys the attitudes toward the ban of Iranians both in the U.S. and Iran. Yet, perhaps more menacing than the ban itself has been the president’s contemptuous denigration of the independent judiciary that is hearing the case, even belittling respected jurists who don’t agree with him as “so-called judges” and less qualified than “bad high school students.” Paul Gowder sees two factions emerging in this battle ― the “authoritarian” camp led by the president himself and the “constitutional” camp that includes the new Supreme Court nominee, Neil Gorsuch, who has called Trump’s comments on the judiciary “disheartening” and “demoralizing.” If the “reconstructive president” succeeds, what values will America stand for in the world at the end of this road of regime change? Soft power is arduously hard to attain but easy to lose. So far, the insistence of the U.S. courts in checking executive power actually further bolsters America’s positive image despite the new administration’s efforts.

#### Hate speech regulations are key to human rights credibility.

Cohen 15 Tanya “It’s Time To Bring The Hammer Down On Hate Speech In The U.S.” Thought Catalog May 1st 2015 <http://thoughtcatalog.com/tanya-cohen/2015/05/hammer-down-on-hate-speech/>

Recent scandals involving right-wing hatemongers like Phil Robertson, Donald Sterling, Bill Maher, and the Sigma Alpha Epsilon fraternity have brought to light one of America’s biggest embarrassments: the fact that America remains the only country in the world without any legal protections against hate speech. In any other country, people like Phil Robertson and Donald Sterling would have been taken before a Human Rights Commission and subsequently fined and/or imprisoned and/or stripped of their right to public comment for making comments that incite hatred and violence against vulnerable minorities. But, in the US, such people are allowed to freely incite hatred and violence against vulnerable minorities with impunity, as the US lacks any legal protections against any forms of hate speech – even the most vile and extreme forms of hate speech remain completely legal in the so-called “land of the free”. Not only is this a violation of the most basic and fundamental human rights principles, but it’s also an explicit violation of legally-binding international human rights conventions. For many decades, human rights groups around the world – from Amnesty International to Human Rights First to the United Nations Human Rights Council – have told the United States that it needs to pass and enforce strong legal protections against hate speech in accordance with its international human rights obligations. As of 2015, the US is the only country in the world where hate speech remains completely legal. This is, in fact, a flagrant violation of international human rights law. The International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) both mandate that all countries outlaw hate speech, including “propaganda for war” and the dissemination of any “ideas based on racial superiority or hatred”. The ICCPR and ICERD are both legally-binding international human rights conventions, and all nations are required to uphold them in the fullest. By failing to prosecute hate speech, the US is explicitly and flippantly violating international human rights law. No other country would be allowed to get away with this, so why would the US? The United Nations has stated many times that international law has absolute authority. This is quite simply not optional. The US is required to outlaw hate speech. No other country would be able to get away with blatantly ignoring international human rights standards, so why should the US be able to? The US is every bit as required to follow international human rights law as the rest of the world is.

#### Consistency with IHRL is key to multilateralism.

Melish 9 Tara J. (Visiting Professor, University of Notre Dame School of Law, Associate Professor of Law, University at Buffalo School of Law, SUNY) “From Paradox to Subsidiarity: The United States and Human Rights Treaty Bodies” Spring 2009 <http://www.yale.edu/yjil/files_PDFs/vol34/Melish.pdf>

While realists dominated U.S. human rights policy during the Cold War, 149 and remain highly influential in the foreign policy establishment today, institutionalists have gained increasing prominence over the last two decades with the dramatic proliferation of international institutions and rapid expansion of the international human rights architecture. Within this context, the push-pull dynamic over U.S. human rights policy as a foreign policy objective has shifted determinatively toward institutionalists. For this group, human rights treaty body engagement serves two primary strategic foreign policy goals today: first, renewal of U.S. moral leadership in multilateral settings and, second, promotion of human rights and democratic reforms in other countries. Both are directed to furthering national security and global public order objectives, independent of any domestic policy implication. ¶ First, institutionalists appreciate that the international standing of U.S. diplomats and their ability to lead in international processes of global dispute resolution are compromised by the nation’s failure to ratify core human rights treaties and engage in their supervisory procedures. This failure, which has left the nation increasingly in the company of rogue or failed states,150 renders it out of step with its democratic partners and subjects it to charges of hypocrisy by less democratic nations where the United States seeks human rights improvements or security safeguards. 151 On a practical level, this impairs the United States’s ability to accomplish its national security and other global security priorities within multilateral settings, at times making disagreement with the United States a “principled” human rights stand in itself for nations.152 In this sense, ratification and engagement serve as tools through which the United States can reseat itself within the “international community,” reassert its moral leadership role, and hence better promote its national security agenda in multilateral settings, where most international work gets done. For institutionalists, this has been a particular priority following the widely internationally condemned unilateral actions taken by the United States following the 9/11 terrorist attacks. ¶ The second factor, most commonly articulated by the U.S. State Department, involves recognition that full compliance by the United States with international human rights treaty body procedures increases the visibility and legitimacy of the procedures themselves, ratcheting up expectation levels for their regular and concerted use, and thereby prodding other states to take the procedures more seriously. Indeed, U.S. executive agencies recognize that human rights treaty bodies—by providing an international spotlight for gross abuses, giving voice to individuals and civil society groups seeking greater human rights protections and transparency at home, and providing legitimacy to domestic human rights and democracy movements—have initiated important conversations and processes in countries around the world, particularly in transitional states.153 They also recognize that while the United States’s failure to ratify specific treaties has not likely caused other states to forego ratification, it may embolden some to turn ratification into an empty political act used as a rhetorical device to claim greater commitment to human rights than the United States without making corresponding changes in their policies and practices at home.154

#### Multilateralism solves existential threats.

Brimmer 14 Esther Brimmer (Assistant Secretary for the Bureau of International Organization Affairs at the United States Department of State from April 2009 to June 2013) “Smart Power” and Multilateral Diplomacy, June 2014 <http://transatlantic.sais-jhu.edu/publications/books/Smarter%20Power/Chapter%204%20brimmer.pdf>

Over the subsequent decade, the variable definitions of Smart Power have evolved to reflect a rapidly changing foreign affairs landscape – a landscape shaped increasingly by transnational issues and what can only be described as truly global challenges. Nations of the world must now calibrate their foreign policy investments to try to leverage new opportunities while protecting their interests from emerging vulnerabilities. Smart Power is no longer an alternative path; it is a four-lane imperative. ¶ The world in 2014 is fundamentally different from previous periods, growing vastly more interconnected, interdependent, networked, and complex. National economies are in many cases inextricably intertwined, with cross-border imports and exports increasing nearly tenfold over the past forty years, and more than doubling over just the past decade. At the same time, we are all connected – and connected immediately – to news and events that in past generations would have been restricted to their local vicinities.¶ Consider, for example, the 2011 tsunami that devastated parts of Japan. Not only did we know in real time of the earthquake that triggered the tsunami, we had live coverage of some of the tsunami’s most devastating impacts and then round-the-clock coverage of the Fukushima nuclear power plant crisis. Communications technology brings such events to us without delay and in high definition. This communications revolution, headlined by the explosion of social media, carries with it the almost unlimited potential to inform and educate. It also provides people and communities with new ability to influence and advance their causes – both benevolent and otherwise, as the dramatic events of recent years in North Africa and the Middle East have made clear. ¶ At the same time, global power is more diffuse today than in centuries. Although predictions of the nation-state’s demise have gone unrealized, non-state actors – including NGOs, corporations, and international organizations - are more influential today than perhaps at any point in human history. The same might be said for transnational criminal networks and other harmful actors. Concurrently, we are witnessing the rise of new centers of influence – the so-called “emerging” nations – that are seeking and gaining positions of global leadership. These emerging powers bring unique histories and new perspectives to the discussion of current challenges and the future of global governance. Several of these countries are democracies and share many of the core values of the United States; others have sharply different political systems and perspectives. All are gauging how to be more active in the global arena. ¶ It is this new, more diffused global system that must now find means of addressing today’s pressing global challenges – challenges that in many cases demand Smart Power ingenuity. From terrorism to nuclear proliferation, climate change to pandemic disease, transnational crime to cyber attacks, violations of fundamental human rights to natural disasters, today’s most urgent security challenges pay no heed to state borders. ¶ So, just as global power is more diffuse, so too are the opposing threats and challenges, and it is in this new reality that the United States must define and employ its Smart Power resources. That reality demands a definition that must now far exceed the origin parameters of hard and soft. Many of these challenges would be unresponsive to traditional Hard tools (coercion, economic sanctions, military force), while the application of Soft tools (norm advancement, cultural influence, public diplomacy) in customary channels is likely to provide unsatisfactory impact. ¶ Ultimately, the other component necessary in today’s Smart Power alchemy is robust, focused, and sustained international cooperation. In effect, in an increasing number of instances, Smart Power must now feature shared power, and in that context foreign policy choices must follow two related but distinct axes. ¶ First, those policy choices must strengthen a state’s overall stature and influence (rather than diminish it), leaving the state undertaking the action in a position of equal or greater global standing. This is easier said than done. The proliferation in challenges facing all states has created a need for multiple, simultaneous diplomatic transactions among a broadening cast of actors. Given the nature of today’s threats facing states both large and small, those transactions have never been more frequent and at times overlapping – a reality that requires new agility and synchronization within foreign policy hierarchies. States that are less capable of responding to this new reality may experience diminished political capital and international standing by acting on contemporary threats in isolation or without a full appreciation of the reigning international sentiment. Many observers have highlighted U.S. decision-making in advance of the 2003 Iraq invasion as indicative of just this phenomenon. ¶ Alternatively, states applying a new Smart Power approach to their foreign policy recognize the overlapping need to maintain global standing and stature while seeking resolution of individual policy challenges. We see considerable effort on the part of emerging powers to find just that balance, and I would argue that the United States has also made great strides in that regard since 2009. ¶ Second, Smart Power policy choices must contribute to the strength and resilience of the international system. As noted above, the globalization of contemporary challenges and security threats has augmented the need for effective cooperation among states and other international actors, and placed even greater demands on the global network of international institutions, conferences, frameworks, and groupings in which these challenges are more and more frequently addressed. Given this heightened need for structures to facilitate international collaboration, states are more rarely undertaking foreign policy courses of action that entirely lack a multilateral component, or that feature no interaction with or demands upon the international architecture. As recent American history shows, even states with unilateral tendencies have found themselves returning to the multilateral fold to address aspects of a threat or challenge that simply cannot be addressed effectively alone.

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#### Phenomenal introspection is reliable and proves that util’s true.

Sinhababu Neil (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA-3 accessed 2-4-16](http://philpapers.org/archive/SINTEA-3%20accessed%202-4-16) JW

The Odyssey's treatment of these events demonstrates how dramatically ancient Greek moral intuitions differ from ours. It doesn't dwell on the brutality of Telemachus, who killed twelve women for the trivial reasons he states, making them suffer as they die. While gods and men seek vengeance for other great and small offenses in the Odyssey, no one finds this mass murder worth avenging. It's a minor event in the denouement to a happy ending in which Odysseus (who first proposes killing the women) returns home and Telemachus becomes a man. That the[y] Greeks could so easily regard these murders as part of a happy ending for heroes shows how deeply we disagree with them. It's as if we gave them a trolley problem with the 12 women on the side track and no one on the main track, and they judged it permissible for Telemachus to turn the trolley and kill them all. And this isn't some esoteric text of a despised or short-lived sect, but a central literary work of a long-lived and influential culture. Human history offers similarly striking examples of disagreement on a variety of topics. These include sexual morality; the treatment of animals; the treatment of other ethnicities, families, and social classes; the consumption of intoxicating substances; whether and how one may take vengeance; slavery; whether public celebrations are acceptable; and gender roles.12 Moral obligations to commit genocide were accepted not only by some 20th century Germans, but by much of the ancient world, including the culture that gave us the Old Testament. One can only view the human past and much of the present with horror at the depth of human moral error and the harm that has resulted. One might think to explain away much of this disagreement as the result of differing nonmoral beliefs. Those who disagree about nonmoral issues may disagree on the moral rightness of a particular action despite agreeing on the fundamental moral issues. For example, they may agree that healing the sick is right, but disagree about whether a particular medicine will heal or harm. This disagreement about whether to prescribe the medicine won't be fundamentally about morality, and won't support the argument from disagreement. I don't think the moral disagreements listed above are explained by differences in nonmoral belief. This isn't because sexists, racists, and bigots share the nonmoral views of those enlightened by feminism and other egalitarian doctrines – they don't. Rather, their differing views on nonmoral topics often are rationalizations of moral beliefs that fundamentally disagree with ours.13 Those whose fundamental moral judgments include commitments to the authority of men over women, or of one race over another, will easily accept descriptive psychological views that attribute less intelligence or rationality to women or the subjugated race.14 Moral disagreement supposedly arising from moral views in religious texts is similar. Given how rich and many-stranded most religious texts are, interpretive claims about their moral teachings often tell us more about the antecedent moral beliefs of the interpreter than about the text itself. This is why the same texts are interpreted to support so many different moral views. Similar phenomena occur with most moral beliefs. Environmentalists who value a lovely patch of wilderness will easily believe that its destruction will cause disaster, those who feel justified in eating meat will easily believe that the animals they eat don't suffer greatly, and libertarians who feel that redistributing wealth is unjust will easily believe that it raises unemployment. We shouldn't assume that differing moral beliefs on practical questions are caused by fundamental moral agreement combined with differing nonmoral beliefs. Often the differing nonmoral beliefs are caused by fundamental moral disagreement. As we have no precise way of quantifying the breadth of disagreement or determining its epistemic consequences, it's unclear exactly how much disagreement the argument requires. While this makes the argument difficult to evaluate, it shouldn't stop us from proceeding, as we have to use the unclear notion of widespread disagreement in ordinary epistemic practice. If 99.9% of botanists agree on some issue about plants, non-botanists should defer to their authority and believe as most of them do. But if disagreement between botanists is suitably widespread, non-botanists should remain agnostic. A more precise and systematic account of when disagreement is widespread enough to generate particular epistemic consequences would be very helpful. Until we have one, we must employ the unclear notion of widespread disagreement, or some similar notion, throughout epistemic practice. Against the background of widespread moral disagreement, there may still be universal or near-universal agreement on some moral questions. For example, perhaps all cultures agree that one should provide for one’s elderly parents, even though they generally disagree elsewhere. How do these narrow areas of moral agreement affect the argument? This all depends on whether the narrow agreement is reliably or unreliably caused. If narrow agreement results from a reliable process of belief-formation, it lets us avoid error, defeating the argument from disagreement. But widely accepted moral beliefs may result from widely prevailing unreliable processes leading everyone to the same errors. There's no special pressure to explain agreement in terms of reliable processes when disagreement is widespread. Explaining agreement in terms of reliable processes is preferable when we have some reason to think that the processes involved are generally reliable. Then we would want to understand cases of agreement in line with the general reliability of processes producing moral belief. But if disagreement is widespread, error is too. Since moral beliefs are so often false, invoking unreliable processes to explain them is better than invoking reliable ones. The next two sections discuss this in more detail. We have many plausible explanations of narrow agreement on which moral beliefs are unreliably caused. Evolutionary and sociological explanations of why particular moral beliefs are widely accepted often invoke unreliable mechanisms.15 On these explanations, we agree because some moral beliefs were so important for reproductive fitness that natural selection made them innate in us, or so important to the interests controlling moral education in each culture that they were inculcated in everyone. For example, parents' influence over their children's moral education would explain agreement that one should provide for one's elderly parents. Plausible normative ethical theories won't systematically connect these evolutionary and sociological explanations with moral facts. If disagreement and error are widespread, they'll provide useful ways to reconcile unusual cases of widespread agreement with the general unreliability of the processes producing moral belief. 1.3 If there is widespread error about a topic, we should retain only those beliefs about it formed through reliable processes Now I'll defend 3. First I'll show how the falsity of others' beliefs undermines one's own belief. Then I'll clarify the notion of a reliable process. I'll consider a modification to 3 that epistemic internalists might favor, and show that the argument accommodates it. I'll illustrate 3's plausibility by considering cases where it correctly guides our reasoning. Finally, I'll show how 3 is grounded in the intuitive response to grave moral error. First, a simple objection: “Why should I care whether other people have false beliefs? That's a fact about other people, and not about me. Even if most people are wrong about some topic, I may be one of the few right ones, even if there's no apparent reason to think that my way of forming beliefs is any more reliable.” While widespread error leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction suggests that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well. 3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for reliability is an important part of our epistemic practices. If someone tells me that my belief is entirely produced by wishful thinking, I can't simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I'll maintain it, assuming that it concerns sizable nearby objects or something else about which visual perception is reliable. While providing precise criteria for individuating processes of belief-formation is hard, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.16 Following Alvin Goldman's remark that “It is clear that our ordinary thought about process types slices them broadly” (346), I'll treat cognitive process types like wishful thinking and visual perception as appropriately broad.17 Trusting particular people and texts, meanwhile, are too narrow. Cognitive science may eventually help us better individuate cognitive process types for the purposes of reliability assessments and discover which processes produce which beliefs. Epistemic internalists might reject 3 as stated, claiming that it isn't widespread error that would justify giving up our beliefs, but our having reason to believe that there is widespread error. They might also claim that our justification for believing the outputs of some process depends not on its reliability, but on what we have reason to believe about its reliability. The argument will still go forward if 3 is modified to suit internalist tastes, changing its antecedent to “If we have reason to believe that there is widespread error about a topic” or changing its consequent to “we should retain only those beliefs about it that we have reason to believe were formed through reliable processes.” While 3's antecedent might itself seem unnecessary on the original formulation, it's required for 3 to remain plausible on the internalist modification. Requiring us to have reason to believe that any of our belief-formation processes are reliable before retaining their outputs might lead to skepticism. The antecedent limits the scope of the requirement to cases of widespread error, averting general skeptical conclusions. The argument will still attain its conclusion under these modifications. Successfully defending the premises of the argument and deriving widespread error (5) and unreliability (7) gives those of us who have heard the defense and derivation reason to believe 5 and 7. This allows us to derive 8. (Thus the pronoun 'we' in 3, 6, and 8.) 3 describes the right response to widespread error in many actual cases. Someone in the 12th century, especially upon hearing the disagreeing views of many cultures regarding the origins of the universe, would do well to recognize that error on this topic was widespread and retreat to agnosticism about it. Only when modern astrophysics extended reliable empirical methods to cosmology would it be rational to move forward from agnosticism and accept a particular account of how the universe began. Similarly, disagreement about which stocks will perform better than average is widespread among investors, suggesting that one's beliefs on the matter have a high likelihood of error. It's wise to remain agnostic about the stock market without an unusually reliable way of forming beliefs – for example, the sort of secret insider information that it's illegal to trade on. 3 permits us to hold onto our moral beliefs in individual cases of moral disagreement, suggesting skeptical conclusions only when moral disagreement is widespread. When we consider a single culture's abhorrent moral views, like the Greeks' acceptance of Telemachus and Odysseus' murders of the servant women, we don't think that maybe the Greeks were right to see nothing wrong and we should reconsider our outrage. Instead, we're horrified by their grave moral error. I think this is the right response. We're similarly horrified by the moral errors of Hindus who burned widows on their husbands' funeral pyres, American Southerners who supported slavery and segregation, our contemporaries who condemn homosexuality, and countless others. The sheer number of cases like this requires us to regard moral error as a pervasive feature of the human condition. Humans typically form moral beliefs through unreliable processes and have appendixes. We are humans, so this should reduce our confidence in our moral judgments. The prevalence of error in a world full of moral disagreement demonstrates how bad humans are at forming true moral beliefs, undermining our own moral beliefs. Knowing that unreliable processes so often lead humans to their moral beliefs, we'll require our moral beliefs to issue from reliable processes. 1.4 If there is widespread error about morality, there are no reliable processes for forming moral beliefs A reliable process for forming moral beliefs would avert skeptical conclusions. I'll consider several processes and argue that they don't help us escape moral skepticism. Ordinary moral intuition, whether it involves a special rational faculty or our emotional responses, is shown to be unreliable by the existence of widespread error. The argument from disagreement either prevents reflective equilibrium from generating moral conclusions or undermines it. Conceptual analysis is reliable, but delivers the wrong kind of knowledge to avert skepticism. If all our processes for forming moral beliefs are unreliable, moral skepticism looms. 4 is false only because of one process – phenomenal introspection, which lets us know of the goodness of pleasure, as the second half of this paper will discuss. Widespread error guarantees the unreliability of any process by which we form all or almost all of our moral beliefs. While widespread error allows some processes responsible for a small share of our moral beliefs to predominantly create true beliefs, it implies that any process generating a very large share of moral belief must be highly error-prone. Since the process produced so many of our moral beliefs, and so many of them are erroneous, it must be responsible for a large share of the error. If more of people's moral beliefs were true, things would be otherwise. Widespread truth would support the reliability of any process that produced most or all of our moral beliefs, since that process would be responsible for so much true belief. But given widespread error, ordinary moral intuition must be unreliable. This point provides a forceful response to Moorean opponents who insist that we can't give up the reliability of a process by which we form all or nearly all of our beliefs on an important topic, since this would permit counterintuitive skeptical conclusions. Even if this Moorean response helps against external world skeptics who employ counterfactual thought experiments involving brains in vats, it doesn't help against moral skeptics who use 1 and 2 to derive widespread actual error. Once we accept that widespread error actually obtains, a great deal of human moral knowledge has already vanished. Insisting on the reliability of the process then seems implausible and pointless. I'll briefly consider two conceptions of moral intuition – as a special rational faculty by which we grasp non-natural moral facts, and as a process by which our emotions lead us to form moral beliefs – and show how widespread error guarantees their unreliability. Some philosophers regard moral intuition as involving a special rational faculty that lets us know non-natural moral facts.18 They argue that knowledge on many topics including mathematics, logic, and modality involves this rational faculty, so moral knowledge might operate similarly. This suggests a way for them to defend the reliability of moral intuition in the face of widespread error: if intuition is reliable about these other things, its overall reliability across moral and nonmoral areas allows us to reliably form moral beliefs by using it. This defense won't work. When an epistemic process is manifestly unreliable on some topic, as widespread error shows any process responsible for most of our moral beliefs to be, the reliability of that process elsewhere won't save it on that topic. Even if testimony is reliable, this doesn't imply the reliability of compulsive gamblers' testimony about the next spin of the roulette wheel. Even if intuition remains reliable elsewhere, widespread disagreement still renders it unreliable in ethics. I see ordinary moral intuition as a process of emotional perception in which our feelings cause us to form moral beliefs.19 Just as visual experiences of color cause beliefs about the colors of surfaces, emotional experiences cause moral beliefs. Pleasant feelings like approval, admiration, or hope in considering actions, persons, or states of affairs lead us to believe they are right, virtuous or good. Unpleasant emotions like guilt, disgust, or horror in considering actions, persons, or states of affairs lead us to believe they are wrong, vicious, or bad. We might have regarded this as a reliable way to know about moral facts, just as visual perception is a reliable way to know about color, if not for widespread error. But because of widespread error, we can only see it as an unreliable process responsible for our dismal epistemic situation. Reflective equilibrium is the prevailing methodology in normative ethics today. It involves modifying our beliefs about particular cases and general principles to make them cohere. Whether or not nonmoral propositions like the premises of the argument from disagreement are admissible in reflective equilibrium, widespread error prevents reflective equilibrium from reliably generating a true moral theory, as I'll explain. If the premises of the argument from disagreement are admitted into reflective equilibrium, the argument can be reconstructed there, and reflective equilibrium will dictate that we give up all of our moral beliefs. To avoid this conclusion, the premises of the argument from disagreement would have to be revised away on moral grounds. These premises are a metaethical claim about the objectivity of morality which seems to be a conceptual truth, an anthropological claim about the existence of disagreement, a very general epistemic claim about when we should revise our beliefs, and a more empirically grounded epistemic claim about our processes of belief-formation and their reliability. While reflective equilibrium may move us to revise substantive moral beliefs in view of other substantive moral beliefs, claims of these other kinds are less amenable to such revision. Unless ambitious arguments for revising these nonmoral claims away succeed, we must follow the argument to its conclusion and accept that reflective equilibrium makes moral skeptics of us.20 If only moral principles and judgments are considered in reflective equilibrium, it won't make moral skeptics of us, but the argument from disagreement will undermine its conclusions. The argument forces us to give up the pre-existing moral beliefs against which we test various moral propositions in reflective equilibrium. While we may be justified in believing something because it coheres with our other beliefs, this justification goes away once we see that those beliefs should be abandoned. Coherence with beliefs that we know we should give up doesn't confer justification. Now I'll consider conceptual analysis. It can produce moral beliefs about conceptual truths – for example, that the moral supervenes on the nonmoral, and that morality is objective. It also may provide judgments about relations between different moral concepts – perhaps, that if the only moral difference between two actions is that one would produce morally better consequences than the other, doing what produces better consequences is right. I regard conceptual analysis as reliable, so that the argument from disagreement does not force us to give up the beliefs about morality it produces. Unfortunately, if analytic naturalism is false, as has been widely held in metaethics since G. E. Moore, conceptual analysis won't provide all the knowledge we need to build a normative ethical theory.21 Even when it relates moral concepts like goodness and rightness to each other, it doesn't tell us that anything is good or right to begin with. That's the knowledge we need to avoid moral skepticism. So far I've argued that our epistemic and anthropological situation, combined with plausible metaethical and epistemic principles, forces us to abandon our moral beliefs. But if a reliable process of moral belief-formation exists, 4 is false, and we can answer the moral skeptic. The rest of this paper discusses the only reliable process I know of. 2.1 Phenomenal introspection reveals pleasure's goodness Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness.24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442).29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having, their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### This outweighs the aff framework.

Sinhababu 2 Neil (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA-3 accessed 2-4-16](http://philpapers.org/archive/SINTEA-3%20accessed%202-4-16) JW

A full moral theory including accounts of rightness and virtue can be built from the deliverances of phenomenal introspection combined with conceptual analysis. Shaver, Kagan, and I suggest that phenomenal introspection reveals pleasure to have a kind of goodness that makes states of affairs better in consequentialist moral theories. A state of affairs thus is pro tanto better as there is more pleasure and pro tanto worse as there is more displeasure. More pleasure makes states of affairs better. Conceptual analysis here connects the concept of goodness with the concept of a better state of affairs, and with other moral concepts like rightness and virtue. Even if conceptual analysis cannot connect the moral and the nonmoral as a full normative ethical theory requires, it reveals connections between our moral concepts. For example, the following propositions or something like them seem to be conceptual truths: states of affairs are pro tanto better insofar as they include more goodness, an action is pro tanto better insofar as it causally contributes to better states of affairs, and agents are pro tanto more virtuous insofar as they desire that better states of affairs obtain. These putative conceptual truths about pro tanto relations do not contradict strong forms of deontology, as they allow that obligations may trump good consequences in determining right action. Utilitarians who build their theories along these lines can treat deontology as a conceptually coherent position whose substantive claims are in fact not favored by evidence from any reliable processes. So they need not treat utilitarianism itself as a conceptual truth and run afoul of Moore's open question argument. If the argument from disagreement forces us to abandon belief in all other moral facts, introspecting pleasure's goodness and following these conceptual pro tanto connections to conclusions involving other moral concepts may be the only way to develop a full moral theory through reliable processes.

#### Thus, the standard is maximizing happiness. Prefer the standard:

#### 1. Only consequences are morally relevant: A. They determine the degrees of rightness and wrongness for an action. Deontology holds all lies are wrong but certain lies are worse than others because they harm more people. My lie that your shirt looks nice is less wrong than my lie that I’ll pick you up from the airport. B. Intuitions—strong deontology holds we couldn’t save the entire human race if it violated one persons rights which is an absurd conclusion. Prefer intuitions: 1. Reasons can’t override intuitions- that’s a false premise. The basis of logic isn’t justified by more logic; logic is just intuitive. You can’t ever abandon intuitions.

#### 2. Moral uncertainty means we should prevent extinction to find ethical truth in the future.

Bostrom Nick Bostrom, 2001 prof of Philosophy, Oxford University Journal of Evolution and Technology, Vol. 9, March 2002. First version: 2001 March, JStor

These reflections on moral uncertainty suggest[s] an alternative, complementary way of looking at existential risk. Let me elaborate. Our present understanding of axiology might well be confused. We may not now know—at least not in concrete detail—what outcomes would count as a big win for humanity; we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that there is a great option value in preserving—and ideally improving—our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value.

#### AND: A functioning state precedes normative restraints-ensuring state stability is the only way to create the possibility for action.

Matusek Ed “THE FRIEND-ENEMY DISTINCTION” 2005 Virginia Tech Graduate Student Conference Fall 2005 <http://www.phil.vt.edu/HTML/events/Fall2005_gradconf/matusek.pdf>

Thus, liberals do “concede”, although in an indirect fashion, that “the existence of a functioning political entity is necessarily prior to any normativ[e]istic restraints on it,” which amounts to a tacit admission that “normativism can never provide an adequate basis for a political community.” 15 Stated another way, “The very differentiation of a people from the ‘alien foe’ is inevitably supranormative;” 16 Schmitt is doubtful that “political identity can rest meaningfully on ‘normativistic’ ideas,…because political conflict with ‘existential’ enemies reaches such a pitch of intensity that ‘normativities’ are likely to prove meaningless.” As a result, the very idea that Schmitt’s necessary point of departure transcends ethics has, of course, enormous ramifications for the liberal political models of his time with their particular notions of normativity. Schmitt’s existential twist in his political theory renders liberal models essentially irrelevant right from the beginning from two angles: either the idea of how the state began is not covered in the model at all, or any serious proposal to answer that question would have to necessarily involve Schmittian concepts to justify the existence of any type of state. Scheuermann elaborates on the second angle by delineating more precisely the connection Schmitt draws between the “enemy” concept and the inadequacies of normativism in this regard: “A people is ‘constituted’17 first and foremost by means of possessing a capacity for undertaking violence against external threats, by the fact that it is ‘awakened’ and ‘capable of action’ against potential political enemies.”18 Therefore, “only if a political entity can successfully ward off the ‘stranger’19 and thus guarantee its survival do liberal legal normativities even have a chance to function successfully.” A connection, then, arguably exists between external and domestic factors in justifying the existence and purpose of the state in Schmittian terms. Regardless of how liberals of Schmitt’s time would construe what the ideal model of government would be for the inner workings of society within the territory in question, the presence of a reasonably powerful state, powerful enough to ensure the continued stability of the society under discussion, must be existentially present prior to a domestic scene that meets the liberal ideal popular in that period. However, instead of a third party that might officially recognize or pronounce such a development or a “general norm” of some sort, Schmitt maintains that “only the actual participants can correctly recognize, understand, and judge the concrete situation and settle the extreme case of conflict.” 20 As a matter of fact, Balakrishnan argues further that it is precisely the existential component of Schmitt’s thought that explains why Schmitt precludes judgements by a third party in this area: “But what constitutes an existential danger to one’s own form of life can be judged only by the participants in a potential conflict, because it is they who have experienced the challenge of the enemy. The specifically political perspective which informs this judgement emerges out of a first-hand encounter with the enemy.” 21 Scheuermann goes even further in his interpretation of Schmitt’s stipulation by suggesting that “the very intensity of such ‘existential’ conflicts excludes the possibility of regulating them by liberal legal devices.”22 Thus, the very existential nature of conflict itself as well as the inadequacies of liberal normativities on this question very quickly limit the judgement to the very participants themselves. Although Schmitt never directly alludes to the League of Nations in this section of his article, it is very clear that Schmitt’s reasoning here applies on the international scene no less than in domestic disputes. For Schmitt, it would be ludicrous to expect the League to correctly make such evaluations, regardless of whether hostilities between two parties are at most only a potentiality or in cases in which actual violence has taken place. Either way, Schmitt felt that common liberal normative principles are utterly incapable of offering any insight into a potential conflict in terms of the “correct” outlook one should have toward the other participant.

### Paragraph Theory Bad

A. Interpretation: if the aff reads theoretical interpretations in the AC with potential ballot implications or links to fairness or education, they must clarify whether the interp is a reason to reject the argument or reject the debater and potential violations for the interpretation.

B. Violation:

C. Standards:

1. Reciprocity. If there aren’t potential violations, the 1NC can never take an action to avoid the violation since the 1AR can recontextualize the interp to make me violate, then every single violation becomes a NIB for me which kills structural reciprocity. Not specify drop the debater vs. arg is uniquely abusive because it skews 1NC strategy-if I undercover they’ll go for debater, over-cover then drop the arg. I also don’t know if I can go for the RVI or not since its contingent on it being a voting issue in the first place so I can’t garner offense on the spikes. Key to fairness since I win the round based on forming a coherent strategy-reciprocity maintains equal access to the ballot.

2. Substantive clash. My interp is key to increased substantive engagement since the 1NC can agree and abide by every interp in the aff since they’ve specified how I would violate so I know how to avoid theory. Substantive clash is the strongest link to education since it forces us to have a discussion about things other than theory. Theory isn’t educational since it’ not a portable skill-no one uses it in the real world. And, this shell is a prerequisite to all of the spikes in the 1AC, you can’t cross apply them because I indict the way you read them in the 1AC. At the very least, I get new 2NR responses to extensions.

D. Voters. Fairness is a voter- debate’s a competitive activity so you can’t assess the better debater if the round is skewed. Education’s a voter- it’s why schools fund debate and provides portable skills for the real world.

Drop the debater: 1. Substance is permanently skewed- I’ve had to invest time and alter 1N strategy to check abuse, 2. Deterrence-a loss discourages future unfair practices for fear of losing the round.

Use competing interps: 1. Race to the bottom- people will be incentivized to barely meet the brightline while still being abusive. 2. Collapses to competing interps- you use offense/defense to determine whether reasonability is good which concedes the authority of competing interps. Saying reasonability is reasonable is circular.

No RVIs: 1. Topical clash- RVIs force the entire round into theory debates which moots substantive education about the topic. 2. Chilling effect- RVIs discourage debaters from reading theory for fear of losing the round, allowing abusive practices.

# Case

## Framework

### AT: Hagglund

#### 1. Yes, every action causes some violence, but you can still weigh between different types of violence.

#### 2. This assumes that consequentialism is false but doesn’t warrant it—I’m proving that searching for lesser violence is a good thing

### AT: Hagglund 2

#### 1. Util isn’t ideal theory—its focused on ways to improve material conditions in the world

#### 2. Turn—your framework is more utopian because it assumes we can have agonistic dialogue on a level playing field with no exploitation or power imbalances that would interfere with the dialogue.

### AT: Mouffe 10

#### 1. Only the NC solves pluralism—everyone’s actions go back to their base desire for pleasure. That’s Sinhababu.

#### 2. Pluralism is bad—it assumes that all viewpoints deserve attention but white supremacists prove some people shouldn’t be paid attention to

#### 3. AC can’t be pluralistic—constructing policy actions through dialogue won’t get people to reconcile their worldviews—it often just makes people more set in their beliefs.

### AT: #1—deduces nature

#### 1. My framework also deduces the nature of the political community—governments exist to increase pleasure.

#### 2. No warrant in this analytic

### AT: #2—questions foundations

#### 1. This assumes that some form of relativism is true and that moral norms change through time—the moral realistic fact that pleasure is good and pain is bad will never change according to the NC.

#### 2. Radical democracy assumes that the debates that happen between citizens track those moral norms—in reality, people are very far behind and negative biases might win out—no reason why truth will ever be achieved.

### AT: #3—rule following paradox

#### 1. The aff framework bites—it prescribes a rule about engaging in agonistic discourse always which is just as much as a rule as the NC

#### 2. NC isn’t a rule—there are no set prescriptions for action, but rather everything is open to change if empirical circumstances change the amount of pain or pleasure.

#### 3. If this were true it would make the round irresolvable because language relies on implicit rules so there would be no communication at all and you wouldn’t be able to vote for either of us.

### AT: Giroux

#### 1. Assumes your theory is right

### AT: Harrigan 8

#### 1. Out of context—this is a card about defending T affs in college policy and its written by a debate coach

#### 2. This card just means we have to use an agonistic model for the round—that’s fine. We’re having agonistic discourse and I’m proposing utilitarianism and you aren’t—we’re still having the discourse.

#### 3. Reject TJFs—kill philosophical education.